

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CYCLE-CRAFT CO., INC.)	
d/b/a BOSTON HARLEY-DAVIDSON/BUELL,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 04 11402 NMG
HARLEY-DAVIDSON MOTOR COMPANY, INC.)	
and BUELL DISTRIBUTION COMPANY, LLC,)	
)	
Defendants.)	
_____)	

**APPENDIX IN SUPPORT OF DEFENDANTS' HARLEY-DAVIDSON MOTOR
COMPANY, INC. AND BUELL DISTRIBUTION COMPANY, LLC'S
MOTION FOR SUMMARY JUDGMENT**

AFFIDAVIT OF WILLIAM F. BENSON, ESQ.

William F. Benson, being duly sworn, states as follows:

1. I am an attorney with the law firm of Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02110. Bingham McCutchen LLP represents the defendants in the above-entitled action.
2. Attached hereto at Tab A is a true and correct copy of the Harley-Davidson Motor Company Motorcycle Dealer Contract, dated September 19, 2000, entered into between Harley-Davidson Motor Company and Cycle-Craft Co., Inc.
3. Attached hereto at Tab B are true and correct excerpts from the deposition of John Atwood.
4. Attached hereto at Tab C is a true and correct copy of the Harley-Davidson Motorcycle Dealer Contract Extension, dated June 2002, entered into between Harley-Davidson Motor Company and Cycle-Craft Co., Inc.

5. Attached hereto at Tab D is a true and correct copy of the Declaration of John F. Atwood (without exhibits).

6. Attached hereto at Tab E is a true and correct copy of the Harley-Davidson Motorcycle Non-Retail Policy for the 2003 Model Year.

7. Attached hereto at Tab F are true and correct excerpts from the deposition of Ronald S. Buchbaum.

8. Attached hereto at Tab G is a true and correct copy of the Declaration of Ronald Buchbaum (without exhibits).

9. Attached hereto at Tab H is a true and correct copy of the Declaration of Kenneth McPhee (without exhibits).

10. Attached hereto at Tab I are true and correct excerpts from the deposition of Michael Bloom.

11. Attached hereto at Tab J are true and correct excerpts from the deposition of Sean Walsh.

12. Attached hereto at Tab K are true and correct excerpts from the deposition of Jamie E. McGrath.

13. Attached hereto at Tab L are true and correct excerpts from the deposition of Kenneth McPhee.

14. Attached hereto at Tab M are true and correct excerpts from the deposition of Debra Lunsford.

15. Attached hereto at Tab N are true and correct excerpts from the deposition of Michael Stevens.

16. Attached hereto at Tab O is a true and correct copy of the Declaration of Major David H. Brierton.

17. Attached hereto at Tab P are true and correct excerpts from the deposition of Jeffrey P. Christensen.

18. Attached hereto at Tab Q are true and correct excerpts from the deposition of Jason Marasca.

19. Attached hereto at Tab R is true and correct copy of a letter, dated April 20, 2004, from Jon Flickinger to John Atwood.

20. Attached hereto at Tab S is true and correct copy of a letter, dated April 20, 2004, from Jon Flickinger to John Atwood.

21. Attached hereto at Tab T is a true and correct copy of a facsimile from DC Imports to Cycle-Craft.

Signed under the penalties of perjury this 10th day of August 2005.

/s/ William F. Benson
William F. Benson